

GOVERNMENT OF TELANGANA  
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt.Mood Soni @ Mood Shobha, W/o Mood Srinivas, Occ:MPTC, Achampeta, R/o.H.No.2-21, Ramanthapur Thanda & Village, Masaipet Mandal, Medak District under Section 7(2) of the Act 16 of 1993, against orders of the Collector & District Magistrate, Medak District in Proceedings Rc.No.C2/4060/2021, dated 28.7.2022 – Appeal Dismissed - Orders – Issued.

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TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 39

Dated: 03-10-2023.

Read the following:-

1. Proceedings Rc.No.C2/4060/2021, dated 28.7.2022 of the Collector & District Magistrate, Medak District.
2. Appeal Petition filed by Smt.Mood Soni @ Mood Shobha, W/o.Mood Srinivas, Occ:MPTC, Achampeta, R/o. Ramanthapur Thanda & Village, Masaipet Mandal, Medak District, dated 22.08.2022.
3. Govt. Memo.No.1139/TW.LTR/2022-1, dated 27.09.2012.
4. From the Collector & District Magistrate, Medak letter No.C2/4060/2021, Dated 14.11.2022 and 23.01.2023.
5. Govt. Notice No.1139/TW.LTR/2022, dated 10.05.2023, 17.06.2023, 27.07.2023, 11.08.2023.
6. Counter affidavit filed by the 4<sup>th</sup> respondent i.e., Smt.Chavan Sali, W/o.Chavan Chandar, Ramanthapur Thanda, Medak District, dated 26.05.2023.

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ORDER:-

In the reference 1<sup>st</sup> read above, the Collector & District Magistrate, Medak District has cancelled the ST-Lambadis Caste Certificate No.CND021916364541, dated 24.04.2019 fraudulently issued to Smt.Mood Soni W/o Mood Srinivas R/o H.No.2-21, Ramanthapur Village of Yeldhurthy Mandal, Medak District basing on the findings of the District Level Scrutiny Committee as the individual has obtained the same by hiding caste of her father who belongs to Scheduled Caste community. The gist of the cancellation orders is as follows:

- i) Smt Chavan Sali W/o Chavan Chandar R/o H.No.2-26, Ramanthapur, Wadiaram village, Yeldhurthy Mandal, Medak District has filed WP No.30507/2021 before the Hon'ble High Court for the State of Telangana at Hyderabad stating that she filed a representation to 1) Principal Secretary, Social Welfare Department, Secretariat, Hyderabad, 2) District Collector, Medak District and brought to their notice that Smt Mood Shobha W/o Mood Srinivas R/o H.No.2-21, Ramanthapur village of Yeldhurthy Mandal, Medak District has obtained fake ST caste certificate in order to contest in Elections and requested to cancel the ST caste certificate to her according to the Telangana (SC, ST and BCs) Regulation of Issue of Community Certificate Act, 1993.
- ii) The Hon'ble High Court has passed orders on 10.12.2021 directing the District Collector to conduct enquiry into the said representation and take suitable action after affording opportunity of hearing to the petitioner as well as to the respondent in accordance with law, as expeditiously as possible at an early date.
- iii) In view of the directions of the Hon'ble High Court, the matter has been referred to the District Level Scrutiny on 16.02.2022 for its findings regarding the caste status of Smt.Mood Shobha W/o Mood Srinivas R/o H.No.2-21, Ramanthapur village of Yeldhurthy Mandal, Medak District.

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- iv) Smt.Chavan Sali W/o Chavan Chandar and Smt.Mood Shobha W/o Mood Srinivas have appeared before the DLSC on 24.02.2022 and Smt.Mood Shobha W/o Mood Srinivas has stated that her father and mother belongs to SC Mala community, but she got inter caste marriage i.e. married to Sri Mood Srinivas S/o Sangya who belongs to ST Lambadi caste and thus she obtained ST caste certificate on the basis of her husband's caste.
- v) Tahsildar, Masaipet Mandal has been directed to cause enquiry and submit report. Accordingly, the Tahsildar, Masaipet Mandal has submitted report in Lr.No.B/65/2022, dated 09.02.2022 stating that Smt.Shobha alias Sony W/o Mood Srinivas R/o Ramanthapur is the elder daughter of Smt.Bandari Galamma and Balaiah who were residents of Wadiaram village of Chegunta Mandal. Smt.Bandari Galamma previously resided in Karnampally village of Chegunta Mandal where she was married to Balaiah who belongs to SC Mala caste and Shobha was born in the same village. After the death of her husband Balaiah, she migrated to Wadiaram village and got married to Sri Jahangir S/o Shaik Ali belongs to Muslim community and had one Sri Babu (36) years and three daughters namely 1) Sanjana (28 yrs) 2) Swarupa (26) and 3) Priya (24 yrs). In the written statement recorded by the Tahsildar on 8.2.2022, Smt.B.Galamma stated that her elder daughter Shobha was born in Karnampally village and got married to Sri Mood Srinivas S/o Sangya R/o Ramanthapur village who belongs to ST Lambada community which fact also stated by other villagers namely Sri Bandaru Vidya Sagar S/o Danaiah and Sri Chippa Narsimlu S/o Mallaiah.
- vi) Smt.Mood Sony W/o Mood Srinivas has got ST Lambadis Caste Certificate on 24.4.2019 vide Certificate No.CND021916364541 issued by the then Tahsildar Smt.E.Janaki (taken VRS and presently not in service) – with the said certificate she contested in MPTC elections and won the elections. He further reported that parents of Smt.Shobha W/o Mood Srinivas not belong to ST Lambada caste.
- vii) During final hearing of DLSC on 23.5.2022, Smt.Chavan Sali W/o Chavan Chandar stated that Smt.Mood Shobha W/o Mood Srinivas is not ST candidate but belongs to OC or Minority community. The bonafide certificate vide admission No.101 issued by Primary School, Wadiyaram village of Chegunta Mandal dated 28.6.2019 indicated the same. She also stated that Smt.Mood Shobha is having (02) Aadhar cards with different names at different address i.e. Aadhar card No.702859347921 Mood Soni W/o Mood Srinivas H.No.2-67, Ramanthapur village and 2) Aadhar card No.702859347921 Mood Shobha W/o Mood Srinivas, H.No.2-21 R/o Wadiyaram village of Chegunta Mandal. Name of Mood Shobha W/o Mood Srinivas was mentioned as Smt.Apsara D/o Jahangir in the voter list of 2013 at Sl.No.407 of Wadiyaram village. She filed an affidavit that she is uneducated, but she studied upto 5<sup>th</sup> class in Government Primary School, Wadiyaram village of Chegunta Mandal vide admission No.101.

Smt.Mood Shobha stated that she belongs to ST caste represents Lambadi community and elected as MPTC Masaipet as a reserved seat for Girijana Women and married with Mood Srinivas. At the time of marriage, her name was changed from Shobha to Sony R/o Ramanthapur village of Yeldhurthy Mandal, Medak District. She submitted copies of community and date of birth certificate dated 13.09.2017, Community and Date of Birth certificate dated 09.01.2019, community and date of birth certificate 09.12.2021, voter ID XSQ14548909, National Food Security Card No.365350848454, New Patta Pass Book No.T08200180324.

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- viii) Basing on the material available record and after thorough scrutiny of documents submitted by the complainant and respondent, the DLSC has arrived at the following findings:
- a) Smt.Mood Shobha alias Soni is the daughter of Smt.Bandari Galamma and late Balaiah who belongs to SC-Mala community.
  - b) Neither her father late Balaiah nor her mother Smt.Bandari Galamma belongs to ST community.
  - c) Smt.Shobha alias Soni stated that she is an illiterate and failed to provide any educational certificates through which her community can be claimed. The committee has noticed that she has given attendance for hearing and signed on the attendance sheet instead of thumb impression being an illiterate.
  - d) She was married to Sri Mood Srinivas S/o Sangya belongs to ST Lambada community and from the villagers statements her marriage with him is inter-caste love marriage.
  - e) Caste Certificate produced by Smt.Mood Soni vide Mee Seva No.CND021915511699 dated 9.1.2019 issued by the then Tahsildar Smt.E.Janaki, Yeldhurthy Mandal was based on the caste of her husband. With the said ST certificate, she contested in the MPTC elections and won the elections.
  - f) She failed to produce her father's/forefathers or any blood relatives' caste certificates.
- ix) In view of the above findings of the DLSC, the District Collector, Medak exercising powers conferred on him under Section 5 (1) of the TS (SC/ST/BC) Issue of Community, Nativity and Date of Birth Certificate Act 16 of 1993 read with Sub rule (7) of Rule 9 communicated vide GO Ms.No.5, SCD (POA.A2) Department, dated 8.8.2014, the ST Lambadis Caste Certificate No.CND021916364541, dated 24.04.2019 falsely issued to Smt Mood Soni W/o Mood Srinivas was cancelled as the individual obtained it fraudulently by hiding the caste of her father who belongs to SC category and declared that Smt.Mood Soni W/o Mood Srinivas R/o H.No.2-21 Ramanthapur village of Yeldhurthy Mandal, Medak District does not belong to ST Lambadis community.

2. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Medak, vide reference 2<sup>nd</sup> read above, the Appellant Smt.Mood Soni @ Mood Shobha, W/o.Mood Srinivas, Occ:MPTC, Achampeta, R/o. H.No.2-21, Ramanthapur Thanda & Village, Masaipet Mandal, Medak District has filed Appeal before the Government under Section 7 of the Act 16/1993 – gist of the grounds is as follows:

- i. She stated that she belongs to ST (Lambada) community and called as Soni @ Shobha (her nick name only). She is the permanent resident of Ramanthapur Thanda & Village and presently in Masaipet Mandal of Medak District. She has been elected as MPTC of Achampeta in the year 2019 and another 1 ½ term remained. Due to love, she married one Mr.Mood Srinivas in the year 1997 who belongs to ST Lambada community. In her Caste Certificate, Aadhar Card and other relevant records, her name is shown as Mood Soni W/o Mood Srinivas only.
- ii. She was blessed with 2 children (one male child and one female child) and both are studying. She got Scheduled Tribe (Lambada Sl.No.28) Certificate from the competent authority. Prior to issue of ST Community certificate, the revenue authorities i.e. Revenue Divisional Officer, Medak and Tahsildar, Masaipet Mandal conducted detailed enquiry and after satisfying issued the Scheduled Tribe (Lambadis) Certificate in her favour.

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- iii. Not only herself, her husband Mr.Mood Srinivas also belong to ST Lambada Community. Her father is Sri Barmavath Baliya @ Balaiah R/o Karnepally village, Chegunta Mandal, Medak District and her mother name is Smt.SMT.GALLAMMA who belongs to Scheduled Caste community. Appellant's native place is Wadiaram village. Though her mother belongs to Scheduled Caste Commuknity, she married Shri Barmavath Baliya @ Balaiah who belongs to Scheduled Tribe Community (Lambada). Out of their wedlock, they were blessed with the Appellant in the year 1985, thereafter the Appellant grown up and married to Scheduled Tribe person Sri Mood Srinivas.
- iv. Her father Sri Barmavath Baliya @ Balaiah died in the year 1986 due to ill health and after his death, her mother Smt.Barmavath Galamma staying with one Jahangir (may be married with him) and blessed with (4) children. Mr. Jahangir is presently alive and staying at Wadiaram village only. The fact is that the Appellant belongs to Scheduled Tribe (Lambada) community only because her father belongs to ST Lambada community. According to the Hon'ble Apex Court Judgements and the Hon'ble High Court judgements and even according to the Hindu Customs, "father caste only comes to their children", therefore the Appellant belongs to Scheduled Tribe community (Lambada) only. Therefore, the Appellant neither belongs to Scheduled Caste nor any other caste except ST Lambada community. Hence, on the ground alone the impugned order of the District, Medak is liable to be set-aside.
- v. While conducting enquiry on her caste/community status, the revenue authorities did not call for any evidence or record from her and the alleged false report was prepared behind back of the appellant and sent to the District Collector, Medak. While deciding her caste/community status, it is necessary to get the minimum information in respect of appellant's family tree and her community status. The District Collector, Medak neither called for detailed enquiry nor evidence in respect of appellant's caste/community status, nor given any sufficient time to her in order to produce evidence in respect of her caste/community and passed the present impugned order.
- vi. The 4<sup>th</sup> respondent i.e. Chavan Sali W/o Chavan Chandar had contested for the post of MPTC at Achampeta which was reserved for Scheduled Tribe community only. Since the Appellant also belongs to Scheduled Tribe community, contested for the post of MPTC in the year 2019 against her and won with bumper majority. Presently, Appellant is continuing as MPTC Achampeta – therefore, the 43<sup>th</sup> respondent got jealous & eye-sore against the Appellant and filing the false & frivolous complaints against her without there being any valid reasons. As the authorities not disposing the alleged false complaint, she filed WP 30507 of 2021 in the Hon'ble High Court and in order to mislead the Hon'ble High Court the Appellant is also made one of the party respondents. The Appellant is taking appropriate steps to get the matter dismissed in the above Writ Petition.
- vii. Therefore, the appellant Smt.Mood Soni @ Mood Shobha prayed the Government to set-aside the impugned order of the District Collector, Medak in proceedings No:C2/4060/2021, dated.28.07.2022, and to pass such other order or orders as may deem fit and proper in the circumstances of the case. Further the Appellant has also filed STAY petition and prayed to suspend the operation of the above said impugned order, pending disposal of main Appeal in the interest of Justice.

3. In the reference 3<sup>rd</sup> read above, Government have admitted the appeal petition and granted stay on the orders of the Collector & District Magistrate, Medak and also requested the District Collector, Medak to furnish the case records along with para-wise remarks to Government.

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4. In the reference 4<sup>th</sup> read above, the Collector & District Magistrate, Medak has submitted the record bearing file No.C2/4060/2021, along with the following remarks – gist of which is as under:

i) The Hon'ble High Court has passed orders in 30507/2021, dt.10.12.2021 directing to conduct enquiry in the representation of Smt.Chavan Sali W/o Chavan Chandar R/o Ramanthapur, Wadiaram village, Yeldhurthy Mandal, Medak District and take suitable action after affording opportunity to the petitioner as well as respondent (appellant in this case) viz., Mood Soni @ Mood Shobha W/o Mood Srinivas, in accordance with law, as expeditiously as possible. Accordingly, the case has been referred to the District Level Scrutiny Committee, Medak on 16.2.2022 for findings. The DLSC Medak was formed with the Additional Collector, Medak as the Chairman and following as Members:

- i. District Tribal Development Officer, Medak.
- ii. District SC Development Officer, Medak.
- iii. District BC Development Officer, Medak.
- iv. Deputy Superintendent of Police, Medak.
- v. Tahsildar, Masaipet Mandal, Medak District.
- vi. Sub Inspector of Police, Chegunta P.S.

ii) The District Level Scrutiny Committee, Medak District has conducted hearings on 5.3.2022, 7.4.2022 and on 25.5.2022 by issuing notices to Smt.Chavan Sali and Smt.Mood Shobha to appear before the Committee along with documentary evidences in support of their claim.

iii) The averments of petitioner's affidavit are not true – the Appellant's father name mentioned as Barmavath Balya who belongs to ST caste is denied on the strength of the report submitted by the Thasildar, Masipet Mandal, Medak District, in which the appellant's mother stated that her name is Bandaru Galamma and her husband (appellant's father) name is Balaiah R/o Karnaapally who belongs to "SC- Mala Caste" and the same was established by other persons of Karnampally village during Panchanama. Moreover, the appellant has failed to produce any kind of material evidence to prove her parents/relatives/forefathers' caste/community during the enquiry by DLSC, Medak. The DLSC after thorough enquiry and consideration of written submissions and based on the records has established that Smt.Mood Shobha W/o Mood Srinigvas R/o 2-21, Ramanthapur village of Yeldhurthy Mandal, Medak District has obtained ST caste certificate fraudulently by the then Tahsildar E.Janaki, Yeldhurthy Mandal of Medak District.

iv) Smt.Mood Shobha W/o Mood Srinivas has contested in MPTC elections in ST quota which is violation of election rules and violation of the Indian Constitution. The DLSC Medak after thorough enquiry has opined that Smt.Shobha ailas Mood Soni, W/o.Mood Srinivas does not belong to ST community as her father and mother both belong to SC Community and the ST Caste Certificate issued to Mood Soni W/o.Srinivas is not genuine. Hence, the DLSC has recommended for cancellation of ST-Lambadies Caste Certificate vide No.CND021916364541, dated 24.04.2019 issued by the then Tahsildar Smt.E.Janaki, Yeldurthy Mandal to Smt.Mood Soni, W/o. Mood Srinivas.

v) As per the recommendations of the District Level Scrutiny Committee, Medak, the ST-Lambadis Caste Certificate No.CND021916364541, dated 24.04.2019 was issued falsely to Smt.Mood Soni, W/o.Mood Srinivas was cancelled as the individual had obtained the above caste certificate fraudulently by hiding the caste of her father who belongs to SC category and Mood Soni, W/o.Mood Srinivas R/o.2-21, Ramanthapur Village of Yeldhurthy Mandal, Medak District does not belongs to "ST-Lambada" community.

vi) Therefore, in view of the findings of the DLSC, the Collector & District Magistrate, Medak has requested the Government to dismiss the Appeal filed by Smt.Mood Soni @ Shobha W/o Mood Srinivas.

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5. In the reference 5<sup>th</sup> read above, notices were issued to the appellant and all other concerned to attend for hearing on 24.06.2023 and 26.08.2023. The Appellant, unofficial respondent and her counsel present. Counsel for unofficial respondent viz., Smt.Chavan Sali W/o Chavan Chandar has submitted Counter Affidavit on 26.8.2023 vide reference 6<sup>th</sup> read above – gist of which is as under:

- i. Smt.Chavan Sali W/o Chandar stated that she contested for the post of MPTC Achampet reserved for ST (women) in Veldurthy Mandal, Medak District in the election. The appellant Mood Soni @ Mood Shobha W/o Mood Srinivas also contested for the said post, but she does not belong to ST community.
- ii. She made a representation dated 25.07.2019 to the District Collector stating that the ST Caste Certificate of the Appellant is false and her election as MPTC to Achampet village under ST category is null and void and sought for cancelling the ST Caste Certificate issued by the Tahsildar, Masaipet Mandal. The District Collector did not take action on the said representation and asked to her to approach the court of law. Therefore, she filed W.P.No.30507/2021 before the Hon'ble High Court for the State of Telangana challenging the action of the District Collector in refusing to entertain the application made by her for cancellation of ST caste certificate issued in favour of the Appellant. The said WP was closed on 12.10.2022 after the District Collector passed order cancellation orders of the ST Caste Certificate of Smt.Mood Soni @ Shobha W/o Mood Srinivas.
- iii. Challenging the above cancellation, the appellant has filed the present Appeal before the Government and the Government has granted stay on 27.09.2022.
- iv. The appeal was filed with false and untenable grounds. The District Collector clearly observed in the order dated 28.07.2022 that the appellant belongs to SC Community and does not belong to ST Community. The only point on which the appellant filed the appeal is that her father belongs to ST community and therefore she belongs to ST community as per the Apex Court judgement. The appellant admitted before the District collector that she belongs to SC Community and therefore the point raised in the appeal is contrary to the statement made before the District Collector and the District Level Scrutiny Committee. Therefore, the appeal is liable to be dismissed with costs.
- v. Smt.Mood Shobha is having (2) Aadhar cards with different names at different addresses i.e., 1) Aadhar Card No.702859347921 Mood Soni, W/o.Mood Srinivas, H.No.2-67, Ramanthapur village and 2) Aadhar Card No.702859347921 Mood Shobha, W/o.Mood Srinivas, H.No.2-21, Vadiaram village, Chegunta Mandal. Her name is mentioned in the Voter list of Wadiaram Gram Panchayat, 2013 at Sl.No.407 as Afsar. In the Bonafide Certificate issued by Principal, Primary School, Wadiaram, Chegunta Mandal, it was certified that Apsara D/o Jahanageer studied from Class II to Class V from 1986 to 1990. All the above facts show that the appellant is resorting to fraud and illegally getting the benefit of ST category depriving the ST category people their rights and benefits, which is unconstitutional and contrary to law. Therefore, the Appeal is liable to be dismissed as devoid of merits.

6. Government after careful examination of the matter and considering the facts arrived by the District Level Scrutiny Committee, Medak in the enquiry conducted with regard to the ST caste status of the Appellant, hereby DISMISS the Appeal filed by Smt.Mood Soni @ Mood Shobha, W/o.Mood Srinivas, Occ:MPTC, Achampeta, R/o.H.No.2-21, Ramanthapur Thanda & Village, Masaipet Mandal, Medak District, duly upholding orders of the Collector & District Magistrate, Medak in Proc.No.C2/4060/2021, dated 28.7.2022.

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7. The Collector and District Magistrate, Medak District shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,  
SECRETARY TO GOVERNMENT.

To

The Collector and District Magistrate, Medak District (By RPAD)

Smt.Mood Soni @ Mood Shobha, W/o.Mood Srinivas, Occ: MPTC, Achampeta,  
Ramanthapur Thanda & Village, Masaipet Mandal, Medak District. (By RPAD)

Copy to:-

Smt.Chavan Sali, W/o.Chavan Chandar, R/o.H.No.2-26,  
Ramanthapur village, Veldurthi Mandal, Wadiaram, Medak District. (By RPAD)

M/s. S.Dinesh, M.chaitanya and K.Naresh, Advocates R/po. Flat No. 105,  
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New Nallakunta, Hyderabad-500044. (By RPAD)  
(Counsel for the Respondent)

The Revenue Divisional Officer, Medak, Medak District.

The Tahsildar, Masaipet Mandal, Medak District.

The Director, TCR&TI, TS, Hyderabad.

The P.S. to Minister for ST Welfare.

The PS to Secretary to Govt. (TW)

The PA to Special Secretary to Govt.(TW)

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER.